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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 90 of the  
Commission's Rules Pertaining  
to End User and Mobile  
Licensing Information

PR Docket No. 92-78

To: The Commission

COMMENTS OF THE  
UTILITIES TELECOMMUNICATIONS COUNCIL

Pursuant to Section 1.415 of the Federal Communications Commission's (FCC) rules, the Utilities Telecommunications Council (UTC) respectfully submits its Comments in response to the Notice of Proposed Rule Making (NPRM), FCC 92-171, released May 5, 1992, regarding amendment of Part 90 of the rules pertaining to end user and mobile licensing. The FCC proposes to eliminate the filing requirement for end user lists, to reduce the frequency with which license modification applications must be filed and to permit some license modification applications to be filed directly with the FCC instead of through frequency coordinators.

UTC is the national representative on communications matters for the nation's electric, gas, water and steam utilities (utilities). Approximately 2,000 utilities are members of UTC, ranging in size from large combination electric-gas-water utilities which serve millions of customers, to small rural electric

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cooperatives and water districts which serve only a few thousand customers. All utilities depend upon reliable and secure communications facilities to carry out their obligations to provide service to the public. Nearly all utilities use some type of land mobile facilities. Thus, UTC appreciates the opportunity to comment upon the FCC's NPRM.

#### End User Lists

The FCC proposes to eliminate the requirement for applicants for shared private land mobile radio systems to file end user lists with their applications for radio facilities. UTC supports this proposal because, as the FCC itself notes, the information serves no useful purpose as it is not updated by licensees, nor is it routinely reviewed by the FCC.

UTC also supports the FCC's proposal to eliminate the submission of end user lists to frequency coordinators. Presently, applicants must submit updated end user lists to frequency coordinators eight months after license grant and on a yearly basis thereafter, and at such times as the total mobile and control station count decreases by 20 percent from the licensee's current authorization. These filings are unnecessary because the coordinators obtain the same information from copies of license modifications sent to them by the FCC. All applicants are required to obtain license modifications when there is a change in the number of base stations, or fixed, control or mobile transmitters

from the number authorized. Further, UTC concurs that coordinators are not often able to provide assistance in resolving questions of eligibility. Since the FCC may request customer information from applicants to help determine compliance with eligibility requirements, the coordinator's lists are unnecessary. UTC notes for the record, however, that coordinators recognize end user lists are confidential, and that concerns over confidentiality should not factor into a decision to eliminate end user list requirements.

#### License Modification Requirements For Paging-Only Channels

The FCC proposes to require that paging-only systems be required to file modification applications when there is an increase or decrease in the number of pagers by 35 percent. This is a change from the existing requirement that modification applications must be filed when there is a change in 50 or more paging receivers. UTC supports this proposal because paging-only systems by their nature are continually changing the number of paging units on their systems, and the FCC routinely authorizes such changes. UTC would favor a smaller percentage to trigger a modification application, however, such as 20 to 25 percent. In addition, the reporting requirement should be limited to systems with at least 100 units. For systems with a very small number of mobile units, it would be cumbersome to file modifications after every percentage increase. For a system with 10 mobile units, for example, a twenty percent increase would constitute only two mobile units.

The FCC should not eliminate any requirement that license modification applications be filed after a change in a specified percentage of mobile units. The FCC should retain its monitoring and authorization functions with respect to paging-only operators, and frequency coordinators must be able to review the mobile information and determine whether increased mobile usage will cause interference to other systems. A notification requirement after a change to a certain percentage of mobiles, instead of a change in 50 mobiles, is a sufficient first step toward alleviating the burden on licensees. It would serve no public interest purpose to cause both the FCC and the frequency coordinators to be uninformed about mobile usage on paging-only channels and therefore without recourse regarding interference problems.

An alternative approach which would be preferable, if it became workable, would be to establish a measure of channel occupancy that would reflect both the number of users on each channel and the amount of time the users were on the channels. Under this alternative, UTC would support phasing in over time an "average" transmission length encompassing technical restrictions on transmissions that would reduce channel occupancy time. This method would provide clear parameters of channel usage and might better limit interference problems.

License Modification For Other Part 90 Licensees

Currently, the FCC's rules require non-paging only Part 90 licensees to file license modification applications when there is any change in the number of mobile transmitters. The FCC proposes to require license modification only when there is an increase or decrease of 20 percent of the mobiles authorized. UTC supports this proposal, since a requirement for modification after any change is burdensome, and because changes in the number of two-way mobile units occur less frequently than on other types of systems. UTC agrees that systems licensed in the 470-512 MHz band and conventional 800 MHz licensees should continue to be required to modify licenses before any change until the the time the channel has achieved exclusivity.

UTC urges the FCC not to replace the license modification requirement with a requirement that changes be included only in applications for license renewal. It is important for the FCC to retain the ability to deny an applicant authorization for additional mobile units, in order to prevent interference or other problems, before license renewal. This ability is an important part of the FCC's responsibilities, despite the fact that it might be rarely needed or used. Delaying review of potential licensing problems by requiring modifications only at renewal could result in longer and more difficult resolution of problems which would have been revealed and avoided years prior to renewal under the FCC's proposed requirement to modify licenses after a twenty percent

change in operations. UTC urges the FCC to implement its proposed modification licensing requirements. Elimination of such requirements should only be considered once the relaxed modification requirements are tried and reviewed.

#### Frequency Coordination Requirements For Mobile Licensing

Applications to change the number of mobiles or pagers authorized on a system currently must be submitted through an appropriate frequency coordinator when the system does not operate on exclusive channels. The FCC questions whether modification applications proposing an increase in the number of mobiles should be permitted to be filed directly with the FCC instead of through the coordinators.

It is absolutely necessary for frequency coordinators to receive timely information regarding the increase of mobile units on a system, since this information could affect other frequency recommendations. UTC would suggest that applicants continue to file these types of modification applications through the appropriate frequency coordinator. However, since no coordination activity is involved with respect to mobile increase modification applications, any frequency coordination charge should be eliminated. A frequency coordinator should be permitted to review the application and note the proposed change in its database. The coordinator should be required to forward the application to the FCC within a very limited period of time, for example, three to

five days. Under this proposal, there would be minimal delay in filing modification applications through frequency coordinators instead of directly with the FCC.

As an alternative, UTC would support applicants filing mobile increase modification applications directly with the FCC as long as a copy of the application is required to be sent concurrently to the frequency coordinator. However, the alternative of sending applications first to the coordinator, to be forwarded to the FCC within a short timeframe, is less burdensome and confusing to applicants, since it is consonant with current practices, and less subject to error. UTC concurs with the FCC that frequency coordination must still be required for systems operating in the 470-512 MHz band and on conventional 800 MHz channels, since exclusivity may be earned based on the number of mobiles in a system.

### Conclusion

UTC supports the elimination of requirements regarding submission of end user lists to both the FCC and to frequency coordinators. UTC supports requiring modification applications for increases or decreases in the number of mobile units operating on paging-only frequencies only when the threshold is a 20-35% change. A better alternative, however, would be to phase-in an "average" length requirement for paging transmissions. For non-paging only channels, UTC supports requiring modification applications to be


filed only when there is an increase or decrease in mobiles by twenty percent. Modification applications requesting increases in the number of mobiles should be sent to the FCC via a frequency coordinator, to enable the coordinator to note the number of mobiles proposed. No coordination fee would be necessary.

WHEREFORE, the Utilities Telecommunications Council respectfully requests that the Federal Communications Commission take action in accordance with the views expressed herein.

Respectfully submitted,

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Dated: June 19, 1992